

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Earl Johnson, a/k/a Earl Johnson, Jr.,)	
)	C/A No. 2:18-0143-MBS
Plaintiff,)	
)	
vs.)	
)	
City of Goose Creek, Department of)	ORDER AND OPINION
Social Services,)	
)	
Defendant.)	
_____)	

Plaintiff Earl Johnson, proceeding pro se and in forma pauperis, filed a complaint on January 17, 2018. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling.

The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and applicable precedents. On March 12, 2018, the Magistrate Judge issued an order in which he noted that the complaint stated no cognizable claim and contained no request for relief. Accordingly, the Magistrate Judge granted Plaintiff the opportunity to file an amended complaint to cure pleading deficiencies. The Magistrate Judge further directed Plaintiff to bring the case into proper form by preparing a summons form and completing Forms USM-285, and to inform the Clerk of Court in writing of any change in address. Plaintiff was cautioned that his failure to advise the Clerk of a change in address could result in dismissal of his complaint. Plaintiff did not respond to the Magistrate Judge's order.

On April 16, 2018, the Magistrate Judge issued a Report and Recommendation in which he recommended that the complaint be dismissed because Plaintiff's allegations were generally incomprehensible and that Plaintiff had failed to comply with the proper form order. The Magistrate

Judge alternatively recommended that the complaint be dismissed pursuant to Rule 41(b). On May 8, 2018, the envelope containing Plaintiff's copy of the Report and Recommendation was returned to the Clerk of Court marked "MOVED LEFT NO ADDRESS - UNABLE TO FORWARD - RETURN TO SENDER."

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id.

Plaintiff specifically was cautioned that failure to provide the Clerk's Office with his current address could result in dismissal of his complaint. It appears that Plaintiff no longer wishes to pursue this action. For the reasons stated herein, the complaint is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

May 14, 2018

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.